

# **EXHIBIT B**

12/6/2024

Richard Kadrey, et al. v. Meta Platforms, Inc. Nikolay Bashlykov 30(b)(6)  
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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

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RICHARD KADREY, et al., )  
Individual and )  
Representative )  
Plaintiffs, )  
)  
v. ) Case No.:  
) 3:23-cv-03417-VC  
META PLATFORMS, INC., )  
Defendant. )  

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)

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Videotaped 30(b)(6) deposition of Defendant  
META PLATFORMS, INC.,  
by and through its corporate designee  
NIKOLAY BASHLYKOV  
Friday, December 6, 2024

London, England  
United Kingdom

Reported stenographically by:  
Leah M. Willersdorf,  
RMR, CRR, FBIVR, ACR, QRR2\*, CLR

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1 Q. So your testimony today as Meta's  
2 corporate designee is that for the rest of LibGen, you  
3 did not use torrents?

4 A. Correct.

5 Q. Is there sci-mag data on these hard  
6 drives?

7 A. There is.

8 Q. So these hard drives then contain data  
9 that Meta acquired through bit torrents; isn't that  
10 correct?

11 MR. WEINSTEIN: Object to form, vague.

12 THE WITNESS: It was collected using  
13 torrents protocol.

14 BY MS. POUEYMIROU:

15 Q. Okay. These hard drives then contain data  
16 that Meta also seeded; isn't that correct?

17 MR. WEINSTEIN: Objection to form, outside  
18 the scope.

19 MS. POUEYMIROU: Actually, I want to just  
20 clarify something. In Clark's deposition in  
21 Volume III, Kathleen Hartnett said on the record:

22 "With respect to your questioning about

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1 seeding, kind of without arguing about whether it's  
2 under 1 or 2, Mr. Bashlykov will be the 30(b)(6)  
3 witness for Topic 7 and he's prepared to talk about  
4 seeding in more detail."

5 So we have a lot of questions about  
6 seeding right now.

7 MR. WEINSTEIN: Okay. I had neglected --  
8 I had forgotten about that point. I agree she said  
9 that. I do remember that.

10 BY MS. POUEYMIROU:

11 Q. Were you prepared today to talk about  
12 seeding, Mr. Bashlykov?

13 MR. WEINSTEIN: Don't look at me -- you  
14 can answer that question.

15 MR. BYRD: Well, the record needs to show  
16 that he looked at you and you --

17 MR. WEINSTEIN: I know, but -- well --

18 MR. BYRD: -- shook your head to answer  
19 yes.

20 MR. WEINSTEIN: The witness --

21 MR. BYRD: That's what the record --

22 MR. WEINSTEIN: The witness is not a

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1 professional 30(b)(6) witness, so obviously he --

2 MR. BYRD: Well, if we are going to swear  
3 you in, we should do that.

4 MR. WEINSTEIN: Well, let me ask: Are you  
5 taking the deposition or is she?

6 MR. BYRD: No, but I saw it and think it  
7 should be on the record, that you shook your head.

8 MR. WEINSTEIN: Okay. Why don't you  
9 repeat your question and we'll...

10 BY MS. POUYMIROU:

11 Q. So, Mr. Bashlykov, in the dep- -- do you  
12 know who Mike Clark is?

13 A. I do.

14 Q. Okay. In Mr. Clark's deposition, when we  
15 were discussing seeding in the document we spent about  
16 two hours on yesterday, the lawyer for Meta said that  
17 you were going to be the witness to talk about it,  
18 specifically as a 30(b)(6) witness on behalf of Meta.

19 My question for you is how are you  
20 prepared to discuss seeding in this case?

21 A. Could you specify the term "how"?

22 Q. I'm asking you what preparation you put to

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1 discuss seeding, given the representations of counsel  
2 that you would be the 30(b)(6) witness to provide  
3 testimony on this that is binding to Meta?

4 A. So I refreshed my knowledge of the work  
5 I did using the notebook document that is included in  
6 this.

7 Q. And are you talking about tab 8?

8 A. Correct.

9 Q. Did you look at any other documents that  
10 discuss seeding?

11 A. I looked into the internal documentation  
12 which specifies which ports open on the dev servers.

13 Q. "... internal documentation which  
14 specifies which ports open on the dev servers."

15 What does that mean?

16 A. So Meta dev servers, they have some  
17 firewall protection. I refreshed my knowledge on what  
18 ports are open to the outside or which ones are not.

19 Q. And what does that mean about "what ports  
20 are open to the outside [and] which ones are not"?

21 A. It means through which ports can the  
22 communication with the internet happen.

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1 Q. So why did you mention port 80 when  
2 I asked you about seeding?

3 A. You asked some information that I was  
4 additionally looking when I was preparing, so that was  
5 one of the documents that I looked into.

6 Q. Is Meta currently using torrent for any  
7 sourcing of its datasets?

8 MR. WEINSTEIN: Object to form, outside  
9 the scope, calls for speculation.

10 THE WITNESS: I don't have information to  
11 suggest that it is.

12 BY MS. POUEYMIROU:

13 Q. Okay. So I am going to go back to your  
14 testimony.

15 "Did you look at any other documents that  
16 discussed seeding?"

17 And you said:

18 "I looked into internal documentation  
19 which specifies which ports open on the dev servers."

20 A. Correct.

21 Q. And you said that port 80 "was open to the  
22 outside, which means it can communicate with the

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1 A. That is not correct.

2 Q. So you just said:

3 "It is one of the precautions that  
4 I mentioned initially that prevents or limits  
5 seeding."

6 You've also testified that Meta took  
7 precautions to limit seeding. Is it your testimony  
8 that Meta has never seeded before? Because that's  
9 actually the opposite of what Mike Clark's testified  
10 to.

11 A. Could you repeat the question, please?

12 Q. Mike Clark testified that Meta has seeded  
13 but it tried to minimize the amount that it seeds.

14 I'm asking you, since you've been offered  
15 as Meta's corporate deponent on seeding, whether that  
16 is your understanding as well?

17 A. So, as I was mentioning before, I don't  
18 have information to prove or disprove that seeding was  
19 happening.

20 Q. So how are you prepared as Meta's  
21 corporate deponent on seeding, then?

22 MR. WEINSTEIN: Object to form, asked and



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1 answered.

2 THE WITNESS: So you mentioned I don't  
3 have to answer?

4 BY MS. POUEYMIROU:

5 Q. No, you do.

6 MR. WEINSTEIN: No, no. Unless I instruct  
7 you otherwise, you have to answer a question.

8 MS. POUEYMIROU: Yes.

9 THE WITNESS: I do. So as I previously  
10 mentioned which documents I have reviewed --

11 BY MS. POUEYMIROU:

12 Q. Mmm-hmm.

13 A. -- I believe that that is the information,  
14 to the best of my knowledge, that I can present on  
15 this kind of part.

16 Q. What documents did you review that address  
17 seeding, other than the document in tab 8?

18 A. So, yes, as I was saying, I was reviewing  
19 the internal documentation about the dev servers.

20 Q. So the only thing that you reviewed was  
21 the document under tab 8 and the internal servers?

22 MR. WEINSTEIN: Object to form.

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1 THE WITNESS: To the best of my knowledge.

2 BY MS. POUEYMIROU:

3 Q. Okay. Can you define what "seeding" is?

4 A. My personal definition is that it is  
5 the process of sharing through the peer-to-peer  
6 network.

7 Q. And I'm actually not asking for your  
8 personal definition. I'm asking for Meta's.

9 Is that the definition that you give on  
10 behalf of Meta?

11 A. I do.

12 Q. Okay. So if you are seeding copyrighted  
13 books, does that mean you are sharing or distributing  
14 those books in that network? Is that how you would  
15 apply the term "seeding"?

16 MR. WEINSTEIN: Object to form.

17 THE WITNESS: So seeding is sharing, like,  
18 possibility of sharing parts of the documents.

19 BY MS. POUEYMIROU:

20 Q. And so if the documents that you're  
21 sharing comprise copyrighted material, seeding is the  
22 distribution of that material; is that correct?